

**Joint Meeting of Land Conservation and Planning & Zoning Committees
USDA Ag. Center Conference Room
Meeting Minutes**

**Wednesday, April 11, 2012
6:30 PM**

Call to Order:

The meeting was called to order at 6:30 p.m. by LCC Chairman Bartels and P&Z Chairman J. Wiegel.

LCC Committee Members Present:

John Bartels, Chairman
David Hammer
Ed James
Pat Shea
Leon Wolfe

P&Z Committee Members Present:

Jack Wiegel, Chairman
David Halloran
Gerald Heimann
Dwayne Larson

Absent: Ted Wiegel, P&Z Committee Member

Others present:

Lisa Trumble, County Conservationist
Roger Lange, Conservation Technician
Nikki Larson, LCC Administrative Assistant
Chris Miller, NRCS District Conservationist
Troy Maggied, Planning & Zoning Department Head
Steve Elmer, Corporation Council
Chad Gleason, general public

Proof of Proper Posting of Agenda:

Larson stated that the agenda was posted in the USDA Service Center, in the County Clerk's Office, at the Darlington Municipal Building and was also sent to the press, WEKZ, the DNR, and DATCP.

Action on Agenda:

A motion was made by J. Wiegel and seconded by Shea to approve the agenda as amended. Motion carried.

Approval of Previous Meeting Minutes:

A motion was made by J. Wiegel and seconded by Wolfe to approve the LCC minutes of the previous meeting with the correction of the spelling of "Bartels" on the second page. Motion carried.

A motion to approve the Planning & Zoning minutes for the March 14, 2012 meeting was made by Larson and seconded by J. Wiegel. Motion carried.

Field Staff & LCD Department Head Reports:

Lange stated that the Pecatonica AEA has been submitted to DATCP. It contains 45,203 acres (less DNR property and municipalities). The application focused on economic development, renewable energy potential, an agricultural-related jobs focus, and also included businesses in Iowa and Green counties. Letters of support were received from Representative Marklein, Senator Schultz, and 44 businesses in the area. Lange offered a copy of the application for viewing. Shea requested a copy be e-mailed to him. Lange stated that the townships expressed gratitude to Ela Kakde-UWEX, LCD, P&Z, and LRO. Trumble said that approval is anticipated in June. LCD received word that the Pecatonica AEA is one of the more detailed applications received. There will be one more application period sometime in the next year.

USDA Programs Report:

Miller reported that they are picking up more EQIP funding from unspent grazing funds. They are working on two waterways and two crossings. Most who signed up for practices are being funded.

CSP had only one completed application by the deadline. This has not been funded. They continue to be busy with wetland determinations and sodbusters. They also have requests for waterway repairs and the large riprap projects are ending.

There were no Other Agency Reports.

Update on Zoning Projects:

Maggied stated that the draft update to the Farmland Preservation Zoning Ordinance is still awaiting certification by the Secretary of DATCP. Once the ordinance is certified, the county will need to hold a public hearing on the ordinance prior to adopting it at the county level.

Maggied stated that the Ordinance is only one of several agriculture-related documents due to be updated in the coming years. LCD will be updating the Land and Water Resource Plan by 2015 and P&Z will need to update the Farmland Preservation Plan by that same year. Maggied stated that these two plans should be complimentary of each other, and that the Farmland Preservation Zoning Ordinance should be updated again in 2015 if needed so that there is consistency between the plans and the ordinance. Once these three documents are updated in 2015, they will be on the same cycle for updating in the future. Maggied stated that P&Z and LCD will work closely together to make sure that these three documents are all mutually supportive, and to reduce any redundancy in workload during the planning process.

Discussion on potential future modifications to ordinances:

- Animal Waste Storage Ordinance – Discussion and Possible Action
 - Trumble stated that the current ordinance needs updating so that the references to standards and tables accurately reflect updates to state and federal codes. The existing code was written in 1999 and is now out of date. The ordinance's name also needs changed from Animal Waste Storage to Manure Storage in order to reflect the applicable state code. The code should also address Closure of

Impoundments specifically and review the 30 day storage requirements. Trumble stressed that local county regulation is critical since the state Department of Agriculture offers little or no help regulating manure storage facilities.

- Trumble stated that this update has been occurring in most counties around the state, with some ordinances identifying temporary storage as a specific quantity instead of a 30-day time period. Lange stated that a 30-day limit for temporary storage varies according to the size of a farm, and makes regulation of temporary storage challenging and inconsistent.
- Trumble also stated that some regulation of the deep gutters traditionally used by the Amish should be included in the updated ordinance. LCD currently recognizes these systems as a transfer, not as storage, requiring them to meet the same requirements as all farms – 250' from a well and separation by 3' of clay. Milkhouse waste must be stored, and not dumped out a pipe, though it can be spread on fields as waste. Crawford County has completed their update; Monroe and Vernon are reviewing theirs; and Grant and Iowa in the same position as Lafayette County. Trumble said that silage bunkers are covered in NR243 and NR151.
- Maggied stated that LCD and P&Z have outlined a process for permitting new storage facilities and closure of old structures in order to streamline the permitting process and more effectively share accountability across the two departments. The existing ordinance requires close coordination and some approval from LCD, but places the permitting role with P&Z. Maggied stated that he relies heavily on the expertise of LCD staff since he has no background in agriculture facilities or manure storage and handling. P&Z and LCD have outlined a process in which LCD works with the farmer to ensure that the structures meet necessary design criteria, followed by joint inspections by both departments, and concluding with a permit being issued from P&Z. Maggied stressed that he could not safely issue storage permits without the expertise provided by the LCD staff.
- Livestock Siting Ordinance – Discussion
 - The last P&Z and LCC joint meeting in 2006 was held to discuss the potential for a new Livestock Siting Ordinance in the county. Elmer stated that the Committees made a conscience decision at that time not to enact a Livestock Siting Ordinance. This was due to the perception that since the county couldn't be more restrictive than the state, the Ordinance would merely be a local codification of state law and therefore not offer a significant benefit to livestock siting regulation.
 - At the 2006 meeting, Richard Castelenova of DATCP spoke to the Committees and stated that the reason the livestock siting law existing was due to the patchwork of laws that existing throughout the state. Trumble stated that the siting ordinance is a benefit to farmers and designed to protect agriculture by giving farmers some assurance of the rights they have on their property. Providing an area that permits extensive livestock operations provides certainty of development for homeowners and certainty of agricultural productivity for farmers. Once a facility is permitted, or once an extensive agricultural area is created, land owners know to expect livestock facilities in the area. Within these areas farmers cannot be denied a livestock facility due to a neighbor's fear of ag-related smells or traffic. Livestock siting permits would only apply to new facilities and not have an impact on existing operations. Trumble distributed the

meeting record from the 2006 meeting for anyone interested (see attached). A livestock siting ordinance would cover the entire county, not just those towns that are zoned.

- Maggied stated that this type of ordinance could provide some security for both farmers and non-farmers since it would provide assurance as to where livestock facilities can occur. However, he stressed that ordinances must be able to be enforced if they are to be useful. Prior to adopting a new ordinance, the LCC and P&Z Committees must determine who will enforce the new ordinance and confirm that the department charged with enforcement has sufficient manpower to administer the ordinance.
- Trumble said that she would contact DATCP to gather more information on how such ordinances have been written and administered in other counties around the state and report this information back to the Committees. She will also get a standard Livestock Siting ordinance form from DATCP and distribute it to the Committees for their review. Wolfe stated that he liked the idea of having a plan or guidance for livestock siting and suggested that the issue be placed on the next meeting agenda for further discussion.

Discussion on violations of Shoreland Zoning:

- Darlington Township
 - Maggied stated that he has placed several calls to the Riley Brothers regarding their Shoreland Zoning violation, but has received no answer to his messages. He stated that the next step will be to send the Rileys a letter stating the county's intent to enforce the Shoreland Zoning Ordinance and the repercussions for failing to comply with the ordinance's requirements. The letter will be copied to the Chairman Wiegel, the Corporation Council, and the District Supervisor for the Riley Brother's property.
- Benton Township
 - Maggied stated that he visited with Ann Heller to discuss the clear cutting of trees on their property along the Fever River at Beebe Road. The meeting took place at the Heller residence on Highway 84 in Illinois. Present at the meeting were Maggied and Ann Heller. Maggied reviewed the photographs of the tree clearing and explained the Shoreland Zoning Ordinance to Ms. Heller. Ms. Heller stated that the box elder trees had been removed due to the flooding they can cause. The limbs fall in the river and get caught under the bridge at Beebe Road, causing a back-up of water onto their farm land. The riprap in place is designed to stabilize soil where woodchucks have damaged the shoreline. Ms. Heller stated that the property is in a conservation agreement for 5 more years, and that there is currently a 30' buffer strip along the river. Maggied stated that Ms. Heller gave him permission to enter the property and inspect the shoreline. Maggied reported that his inspection confirmed the conditions as reported by Ms. Heller. Heavy tree clearing had occurred, however there was more than sufficient vegetation along the river to meet the requirements of the ordinance. Maggied stated that this tree clearing does not constitute a violation of the ordinance, and stated that the issue is closed.
- Wayne Township
 - Maggied stated that he had met with Pat Place the morning of 4/11 in the P&Z office. Mr. Place stated that he was unaware of the tree clearing restrictions but

that he wants to work with the P&Z office to have his land in compliance with the ordinance. He stated that he had cleared away box elder trees in order to reduce the nuisance to farmers and farm machinery when farming along the rivers. Maggied reported that he would visit the property on the afternoon of 4/18 to inspect the cutting and determine if it constitutes a violation of the Shoreland Zoning Ordinance.

Discussion and Possible Action on violations of Floodplain Zoning:

- Darlington Township
 - Maggied stated that he has placed several calls to the Riley Brothers regarding their Floodplain Zoning violation, but has received no answer to his messages. He stated that the next step will be to send the Rileys a letter stating the county's intent to enforce the Floodplain Zoning Ordinance and the repercussions for failing to comply with the ordinance's requirements. The letter will be copied to the Chairman Wiegel, the Corporation Council, and the District Supervisor for the Riley Brother's property.
 - Maggied stated that he spoke with Mark Nelson regarding the structures on his property along Otter Creek Road that may be in the floodplain. Maggied stated that he would inspect the structures and their distances from and elevations above the floodplain to confirm whether they were in the floodplain. This inspection will occur sometime in late April.
- Willow Springs Township
 - Maggied stated that on the morning of 4/10, he met with Mike Reichling on at Reichling's property on county G to review the mobile home that had been placed in the floodplain. Present at this meeting were Maggied, Reichling, and Al Brandt. Maggied reviewed the FEMA floodplain maps with Reichling and explained the county's role in regulating development within the 100-year flood boundary. After the discussion, Reichling left and Maggied and Brandt began surveying the elevations of the trailer and the extent of the floodplain. Maggied and Brandt were able to determine with sufficient accuracy that the finished floor of the trailer lies approximately 2 feet below the elevation of the 100-year flood, and that this boundary extends approximately 420 feet landward of the Otter Creek shore. Maggied stated that the mobile home is located within the regulatory 100-year flood boundary, and placement of the mobile home along the shore of Otter Creek constitutes a violation of the Floodplain Ordinance. Maggied stated that while some structures may be permitted in this area, residential structures such as a mobile home are prohibited.

Maggied stated his intent to order the removal of the mobile home and asked the Committee for a motion approving this decision. A motion was made by Heimann and seconded by Halloran to approve Maggied's order to remove the trailer. Motion passed.

Discussion and Possible Action on Selmeister Variance:

Maggied stated that Mark Selmeister had requested a variance to construct a shed on his property due to the small lot size and the inability of the lot to accommodate his shed while still meeting the set-backs required by the Zoning Ordinance. Maggied stated that he had not yet received Township Approval, but that he could follow up and do so.

A motion was made by Larson and seconded by Halloran to approve the variance conditional to Township approval. Motion passed. Maggied stated that he would follow up and ensure that Township approval was received.

Discussion and Possible Action on Berg Subdivision deposit refund:

Maggied stated that several years ago Michael Berg had made a deposit of \$1,000 to the county as required by the Subdivision Ordinance to ensure that any future improvements in roads or infrastructure would meet the county's requirements. Maggied stated that the land had been subdivided, but no development had ever occurred. Mr. Berg is now requesting a refund of this money on the grounds that he now has no plans to construct the subdivision that has been platted out. Mr. Berg stated that the poor economy has made him reconsider his plans to build homes on these lots.

Maggied stated that Elmer had previously advised him on March 11 that this refund could occur if Mr. Berg submitted a letter stating his intent to withdraw his application for a subdivision. Maggied informed Mr. Berg of Elmer's statements, and Mr. Berg has submitted this letter to Maggied. Maggied asked the Committee to approve a refund of Mr. Berg's deposit.

Elmer stated that he had made a mistake in previously advising Maggied that he could grant the refund. Elmer stated that despite having submitted a letter stating his intent not to build on the new lots, there was nothing legally preventing him from doing so in the future should he wish to build. Therefore, there would be no ability for the county to ensure that future improvements meet the county's development standards. For this reason, Elmer now stated that the refund cannot be granted. Maggied stated that he would pass this message on to Mr. Berg.

Discussion and Possible Action on LCD Cost Share Application Approvals:

The LCD Cost Share sign up was held January 16 – February 24, 2012. The LCD receives \$60,000 - \$61,000 of cost share from the Department of Ag, and \$15,000 from the County. Trumble presented the list of applications for tentative approval. Note: The Foulker Closure of Impoundment is a carryover of 2011 funding. Motion by J. Wiegel and seconded by James to approve cost share requests as presented. Motion carried.

Update on Information & Education (I&E) Activities:

Earth Day is Friday, April 27 at 9:00 a.m. at the Black Hawk Memorial Park. This is an environmental education day for all 5th graders attending Lafayette County schools. There are 12 different stations for the students to rotate through. Miller stated that he has attended these days in 3 different counties, and feels this is the best. The day also showcases the Park. LCD is hoping to schedule the June or July County Board meeting at the Park for a Dedication or Recognition of the induction of the Pecatonica Battlefield to the State & National Registers of Historic Places. The Park will also host the Rendezvous the first weekend in May, and the Midwest Rendezvous in July. The Sportsman's Clean-Up Day will be Saturday, April 14. They will do some roadwork, clean-up of campsites, tree trimming. (Highway will be cutting some trees out there as well.)

Trumble, Brandt, and Larson-LCD and Russell-UWEX did presentations for the 1st Annual Belmont Environmental Day. These were for grades 6-12.

Correspondence:

None

Discussion on Frequency of Future Joint Meetings with Land Conservation and Planning & Zoning:

Maggied commented that the departments share many roles in the county. As departments continue to be required to do more with less, LCD and P&Z are working to offer more assistance to, and protection for, landowners. Maggied referenced the close cooperation between the two departments on the Manure Storage permitting and also stated that Brandt and LCD had been of critical assistance in addressing the Reichling Floodplain Violation. Both Trumble and Maggied stated that they believe this collaboration can lead to a streamlining of services to the county's residence, and reduce redundancy in workload that can lead to more efficient and effective county government. Discussion led to a recommendation of a spring & fall meeting, possibly in April and September. Halloran recommended that the agenda be designed to separate departmental-specific items from shared items in order to reduce the length of the meeting for Committee members. Maggied and Trumble stated that they would work together to make this happen, and tentatively scheduled the next joint meeting for September.

Approval of Vouchers for P&Z, LCD, & LRO:

The LCC & P&Z read through their voucher lists. A motion was made by Wolfe and seconded by J. Wiegel to approve payment of the LCC & LRO vouchers. Motion carried.

A motion was made by Larson and second by Halloran to approve payment of the P&Z vouchers. Motion carried.

Next Meeting Dates:

The next P&Z meeting will be Wednesday May 9, 2012 at 6:30 p.m. and the next LCC meeting will be Tuesday, May 1, 2012 at 6:30 p.m.

Adjourn:

A motion was made by Wolfe and seconded by Hammer to adjourn the meeting at 8:30 p.m. Motion carried.

Recorded By:

Nikki Larson
For Leon Wolfe
LCC Secretary

Troy Maggied
P&Z Department Head

APPROVAL OF MEETING MINUTES

LCC Committee

P&Z Committee
